

EXHIBIT A
Summons & Complaint

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No.:

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RUDOLFO HILBERT,

Date filed with Clerk of Court:

Plaintiff,

SUMMONS

- against -

Plaintiff designates BRONX
County as the place of trial.

SUNBELT MEDICAL SERVICES, INC. and AUDLEY W.
BODDIFORD, JR.,

The basis of venue is:
Plaintiff's residence

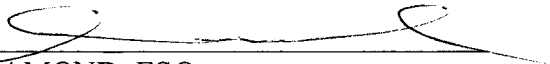
Defendants.
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Plaintiff resides at:
1103 Fteley Avenue
Bronx, New York 10472

To the above named Defendants:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Bronx, New York
May 9, 2022


IVAN M. DIAMOND, ESQ.
LAW OFFICES OF IVAN M. DIAMOND
Attorney for Plaintiff
888 Grand Concourse, Suite 1-L
Bronx, New York 10451
Telephone (718) 588-2000

DEFENDANTS' ADDRESSES:

SUNBELT MEDICAL SERVICES, INC.
c/o Douglas A. Sayers (Registered Agent)
630 Vestal Road
Sardis, Georgia 30456

AUDLEY W. BODDIFORD, JR.
231 Spring Road
Sylvana, Georgia 30467-3960

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No.:

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RUDOLFO HILBERT,

Date filed with Clerk of Court:

Plaintiff,

- against -

**VERIFIED
COMPLAINT**

SUNBELT MEDICAL SERVICES, INC. and AUDLEY W.
BODDIFORD, JR.,

Defendants.

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Plaintiff RUDOLFO HILBERT [“HILBERT”] by his attorney, LAW OFFICES OF IVAN M. DIAMOND, complaining of the defendants, SUNBELT MEDICAL SERVICES, INC. and AUDLEY W. BODDIFORD, JR. [“SUNBELT” and “BODDIFORD,” respectively], all upon information and belief, respectfully allege as follows:

1. At all times herein mentioned HILBERT was and still is a resident of the County of Bronx, City and State of New York.
2. This action falls within one or more of the exceptions set forth in CPLR § 1602.
3. HILBERT has sustained a serious injury as defined in § 5102(d) of the Insurance Law of the State of New York, and said loss is greater than the economic loss as defined in § 5102(d) of the Insurance Law of the State of New York.

4. On November 2, 2021 and at all times mentioned herein, defendant SUNBELT was a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York.

5. On November 2, 2021 and at all times mentioned herein, defendant SUNBELT was a foreign corporation duly organized to conduct business in the State of New York.

6. On November 2, 2021 and at all times mentioned herein, defendant SUNBELT was a foreign corporation doing business in the State of New York.

7. On November 2, 2021 and at all times mentioned herein, defendant SUNBELT was a domestic unincorporated business entity.

8. On November 2, 2021 and at all times mentioned herein, defendant SUNBELT was a domestic partnership.

9. On November 2, 2021 and at all times mentioned herein, defendant SUNBELT was a foreign unincorporated business entity.

10. On November 2, 2021 and at all times mentioned herein, defendant SUNBELT was licensed to do and/or conduct business in the State of New York.

11. On November 2, 2021 and at all times mentioned herein, defendant SUNBELT owned a motor vehicle bearing license plate number WMP022 Georgia, 2021 (trailer) and bearing license plate number P474CB, Georgia, 2021 (cab).

12. On November 2, 2021 and at all times mentioned herein, defendant SUNBELT, its agents, servants, employees, contractors, licensees and/or managers operated a motor vehicle bearing license plate number WMP022 Georgia, 2021 (trailer) and bearing license plate number P474CB, Georgia, 2021 (cab).

13. On November 2, 2021 and at all times mentioned herein, defendant SUNBELT, its agents, servants, employees, contractors, licensees and/or managers maintained a motor vehicle bearing license plate number WMP022 Georgia, 2021 (trailer) and bearing license plate number P474CB, Georgia, 2021 (cab).

14. On November 2, 2021 and at all times mentioned herein, defendant SUNBELT, its agents, servants, employees, contractors, licensees and/or managers controlled a motor vehicle bearing license plate number WMP022 Georgia, 2021 (trailer) and bearing license plate number P474CB, Georgia, 2021 (cab).

15. On November 2, 2021 and at all times mentioned herein, defendant BODDIFORD owned a motor vehicle bearing license plate number WMP022 Georgia, 2021 (trailer) and bearing license plate number P474CB, Georgia, 2021 (cab).

16. On November 2, 2021 and at all times mentioned herein, defendant BODDIFORD operated a motor vehicle bearing license plate number WMP022 Georgia, 2021 (trailer) and bearing license plate number P474CB, Georgia, 2021 (cab).

17. On November 2, 2021 and at all times mentioned herein, defendant BODDIFORD maintained a motor vehicle bearing license plate number WMP022 Georgia, 2021 (trailer) and bearing license plate number P474CB, Georgia, 2021 (cab).

18. On November 2, 2021 and at all times mentioned herein, defendant BODDIFORD controlled a motor vehicle bearing license plate number WMP022 Georgia, 2021 (trailer) and bearing license plate number P474CB, Georgia, 2021 (cab).

19. On November 2, 2021 and at all times mentioned herein, defendant BODDIFORD operated the aforementioned motor vehicle bearing license plate number bearing license plate

number WMP022 Georgia, 2021 (trailer) and bearing license plate number P474CB, Georgia, 2021 (cab), with the knowledge, either express or implied, of its owner, defendant SUNBELT.

20. On November 2, 2021 and at all times mentioned herein, defendant BODDIFORD was employed by defendant SUNBELT.

21. On November 2, 2021 and at all times mentioned herein, defendant BODDIFORD operated the aforementioned motor vehicle bearing license plate number bearing license plate number WMP022 Georgia, 2021 (trailer) and bearing license plate number P474CB, Georgia, 2021 (cab) in the course of and in furtherance of his employ with defendant SUNBELT.

22. Upon information and belief, on November 2, 2021, at approximately 10:00 p.m., the motor vehicle owned by defendant SUNBELT and operated by defendant BODDIFORD, bearing license plate number WMP022 Georgia, 2021 (trailer) and bearing license plate number P474CB, Georgia, 2021 (cab), was traveling on the Cross Bronx Expressway, County of Bronx, City and State of New York.

23. On November 2, 2021 and at all times mentioned herein, HILBERT was a lawful operator of a motor vehicle he owned bearing license plate number HJR7218 New York 2021.

24. On November 2, 2021 and at all times mentioned herein, the motor vehicle owned and operated by HILBERT was traveling on the Cross Bronx Expressway, County of Bronx, City and State of New York.

25. On November 2, 2021 and at all times mentioned herein the Cross Bronx Expressway, County of Bronx, City and State of New York was a public thoroughway, used and devoted to use by members of the general public and others.

26. On November 2, 2021, at approximately 10:00 p.m., the motor vehicle owned by SUNBELT, its agents, servants, employees, contractors, licensees and/or managers and operated by BODDIFORD, bearing license plate number WMP022 Georgia, 2021 (trailer) and bearing license plate number P474CB, Georgia, 2021 (cab), came into contact with the motor vehicle owned and operated by HILBERT bearing license plate number HJR7218 New York 2021.

27. The aforesaid occurrence and the injuries resulting to HILBERT were in no way due to any negligence on the part of plaintiff HILBERT contributing thereto, but were caused by the negligence and carelessness of the defendants SUNBELT and BODDIFORD in the ownership, operation, management, maintenance and control of their said motor vehicle bearing license plate number WMP022 Georgia, 2021 (trailer) and bearing license plate number P474CB, Georgia, 2021 (cab); in operating same without due regard to the rights and safety of the said plaintiff; in operating the aforesaid motor vehicle in a manner which unreasonably endangered the said plaintiff; in failing to properly steer, guide, manage and control their said motor vehicle; in operating their said motor vehicle at a rate of speed greater than was reasonable and proper at the time and place of the above-mentioned occurrence; in failing to apply the brakes of the said motor vehicle or slow down or stop in such a manner as would have prevented the occurrence which herein took place; in failing to have made adequate and timely observation of and response to conditions then and there existing, including but not limited to the traffic conditions then and there existing; in failing to observe traffic signs, signals and/or other warnings then prevailing at the time and place of the occurrence; in failing to see and observe what there was to have been seen and observed at the time and place of the aforesaid occurrence; in failing to keep a proper lookout when controlling their said motor vehicle; in failing to properly maintain their said motor vehicle according to the law; in failing to give


adequate and timely signal, notice or warning; in operating their said motor vehicle in violation of the traffic rules, regulations, statutes and ordinances in such cases made and provided; and in being otherwise careless and negligent in the ownership, maintenance and control of their said motor vehicle.

28. By reason of the foregoing, plaintiff HILBERT was caused to sustain serious personal injuries and to have suffered shock, pain and mental anguish and, upon information and belief, all the plaintiff's injuries and their effects will be permanent; and as a result of said injuries, plaintiff has been and will continue to be obliged to incur expenses for medical care and attention; and, as a further result, plaintiff was, and will continue to be, rendered unable to perform his normal vocation, activities and duties and has sustained a resultant loss therefrom.

29. As a result of the aforesaid negligence and carelessness of defendants herein, their agents, servants, employees, contractors, managers and/or licensees, plaintiff HILBERT was damaged in a monetary sum far exceeding the jurisdictional limitations of all lower Courts of the State of New York which would have otherwise have jurisdiction over this action.

W H E R E F O R E, plaintiff RUDOLFO HILBERT demands judgment on all causes of action against the defendants SUNBELT MEDICAL SERVICES, INC. and AUDLEY W. BODDIFORD, JR. in an amount which exceeds the jurisdictional limitations of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action and interest from November 2, 2021.

Dated: Bronx, New York
May 9, 2022

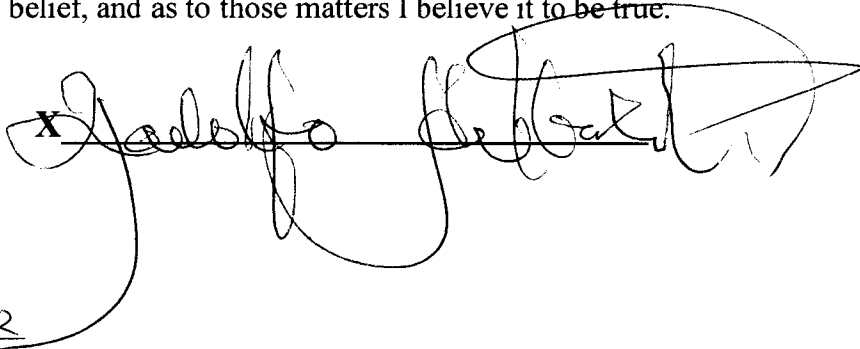

IVAN M. DIAMOND

PLAINTIFF'S VERIFICATION

STATE OF NEW YORK)
)
COUNTY OF BRONX) SS.:

Rudolfo Hilbert, being duly sworn deposes and says:

I am the plaintiff in the within action; I have read the foregoing complaint
and know the concerns thereof: the same is true to my own knowledge, except as to the matters
therein stated to be alleged on information belief, and as to those matters I believe it to be true.

X 

Sworn to before me this

9th day of May, 2022


Notary Public

IVAN M. DIAMOND
Notary Public, State of New York
No. 02DI6152608
Qualified in Bronx County
Commission Expires September 18, 2025

2022

STATEMENT PURSUANT TO RULE 130-1.1(a) and (b)

STATE OF NEW YORK)
) SS.:
COUNTY OF BRONX)

IVAN M. DIAMOND, an attorney admitted to practice in the State of New York, affirms pursuant to NYCRR Section 130-1.1(a),(b), under penalties of perjury, that he is the attorney for the plaintiff in the within action and is familiar with the facts of the instant case.

I certify, pursuant to Rule 130-1.1(a) and (b) that to the best of my knowledge, information and belief, formed after a reasonable inquiry under the circumstances, the foregoing SUMMONS & VERIFIED COMPLAINT and the contents therein are not frivolous as defined in subsection (c) of section 130-1.1(a) and (b).

Dated: Bronx, New York
 May 9, 2022


IVAN M. DIAMOND, ESQ.